

1. Plaintiff moves this Court for entry of a default judgment against Defendants under Rule 55(b)(2) of the Federal Rules of Civil Procedure.
2. The Court entered the default of Defendants on January 4, 2007.
3. Defendants have not taken any action since the entry of default.
4. Plaintiff's Original Complaint in this action sets out a valid claim for breach of contract, breach of fiduciary duty, common law fraud, conspiracy, negligent misrepresentation and civil RICO violations. By virtue of the default, Defendants may not challenge any of the factual allegations supporting Plaintiff's claims.

5. Plaintiff requests an oral hearing to establish the terms of relief sought and its damages. As supported by the Affidavit of James W. Caldwell attached as Exhibit A and incorporated herein in its entirety, Defendants are not minors, nor incompetent persons.

6. For these reasons, Plaintiff American General Life Insurance Company respectfully requests that the Court enter a default judgment against Defendants and set a hearing on its damages and to establish the amount of the judgment and for such other and further relief the Court may deem it justly entitled.

Respectfully submitted,

BRACEWELL & GIULIANI LLP

By: DAVID McDOWELL /jwc
David McDowell
Southern District Bar No. 18464
State Bar No. 00791222

Attorney-In-Charge
South Tower Pennzoil Place
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 (Telephone)
(713) 221-1212 (Telecopier)

OF COUNSEL:

James W. Caldwell
State Bar No. 24031786
Federal ID No. 32125

BRACEWELL & GIULIANI LLP
South Tower Pennzoil Place
711 Louisiana, Suite 2300
Houston, Texas 77002
(713) 223-2300 (Telephone)
(713) 221-1212 (Telecopier)

ATTORNEYS FOR PLAINTIFF AMERICAN
GENERAL LIFE INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded by Certified Mail/Return Receipt Requested on this the 8th day of January, 2007 as follows:

Anthony Mercier, Jr.
c/o Anthony Mercier Sr.
P. O. Box 1506
Augusta, Georgia 30903;

Anthony Mercier, Jr.
c/o Anthony Mercier Sr.
506 Georgia Avenue, #206
North Augusta, South Carolina 29841

Anthony Mercier, Jr.
c/o Anthony Mercier Sr.
761 N. Martintown Road
Edgefield, South Carolina 29824

Charles Mercier
c/o Anthony Mercier Sr.
P. O. Box 1506
Augusta, Georgia 30903;

Charles Mercier
c/o Anthony Mercier Sr.
506 Georgia Avenue, #206
North Augusta, South Carolina 29841

Charles Mercier
c/o Anthony Mercier Sr.
761 N. Martintown Road
Edgefield, South Carolina 29824

Anthony Mercier, Sr.
P. O. Box 1506
Augusta, Georgia 30903

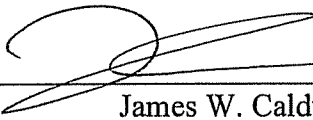
Anthony Mercier, Sr.
506 Georgia Avenue, #206
North Augusta, South Carolina 29841

Anthony Mercier, Sr.
761 N. Martintown Road
Edgefield, South Carolina 29824

Mercier Insurance Agency, Inc.
c/o Anthony Mercier, Sr.
P. O. Box 1506
Augusta, Georgia 30903

Mercier Insurance Agency, Inc.
c/o Anthony Mercier, Sr.
506 Georgia Avenue, #206
North Augusta, South Carolina 29841

Mercier Insurance Agency, Inc.
c/o Anthony Mercier, Sr.
761 N. Martintown Road
Edgefield, South Carolina 29824



James W. Caldwell

EXHIBIT A

Defendants re-filed Defendants' Motion to Dismiss and Motion to Transfer. Once again, Defendants did not file an answer to American General's Complaint subject to either Motion.

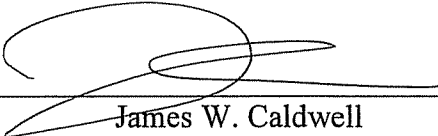
5. On July 10, 2006, the Court denied Defendants' Motion to Dismiss and Motion to Transfer.

6. Since the Court denied Defendants' Motions, Defendants have not responded to Plaintiff's Original Complaint in accordance with Federal Rule of Civil Procedure 12(a)(4)(A).

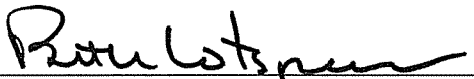
7. With reference to the matter in issue in the above cause, I have corresponded with former counsel for Defendants in the past and prior to his withdrawal and I am convinced that Defendants are not in the military service of the United States at this time or infants or incompetent.

8. This Affidavit is executed in accordance with Rule 55 of the Federal Rules of Civil Procedure, for the purpose of enabling the Plaintiff to obtain an entry of default and default judgment against Defendants, for their failure to respond to Plaintiff's Original Complaint within the time period prescribed in Federal Rule of Civil Procedure 12(a)(4)(A).

8th I declare under penalty of perjury that the foregoing is true and correct. Executed on the day of January, 2007.


James W. Caldwell

SWORN TO and SUBSCRIBED before me on the 8th day of January, 2007.


Notary Public in and for the
State of Texas



